IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Bail Appl..No. 3726 of 2007()

CRIME NO.182 OF 2007 OF POOYAPALLY POLICE STATION

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: PETITIONERS/ACCUSED NOS.1 TO 6

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1. ANEESH, AGED 24, S/O. VISWANATHAN,
PEZHUVILA, PUTHEN VEEDU, VELIYAM WEST P.O.,
KOTTARAKKARA.

2. P.PRASANTHKUMAR, AGED 25,
S/O. PRABHAKARAN, KUDAVATTOOR P.O.,
OODANAVATTOM VILLAGE.

3. DILEEP @ KUTTAN, AGED 29, S/O. MOHANAN,
KIZHANGUVILA VEEDU, VELIYAM WEST P.O.,
KOTTARAKKARA.

4. BINU @ KURUN, AGED 24,
AMBADI, KADAMBUVILA VEEDU, VELIYAM WEST P.O.,
KOTTARAKKARA.

5. ABHILASH, AGED 25 YEARS, S/O. MANOHARAN,
VALIYAVILA VEEDU, VELIYAM WEST P.O.,
KOTTARAKKARA.

6. ANEESH, AGED 22 YEARS, S/O. MANOHARAN,
VALIYAVILA VEEDU, VELIYAM WEST P.O.,
KOTTARAKKARA.

BY ADV. SRI.V.V.RAJA

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3726 of 2007

Dated this the 20th day of June, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations, inter alia, under Section 452 I.P.C. That is the only non bailable offence alleged against the petitioners. The petitioners have a case that this crime is only a counter blast apprehending that the 5th petitioner who had suffered injuries in an earlier incident would complain about the culpable conduct of the defacto complainant and others. The alleged trespass into a library is totally false and fanciful. It is only an attempt to cover up the criminal liability in the earlier crime, in respect of which later F.I.R crime No.184 of 2007 has been registered in the same police station. In these circumstances, directions under Section 438 Cr.P.C may be issued in favour of the petitioners to save them from the undeserved trauma of arrest and incarceration in prison, submits the learned counsel for the petitioners.

2. The learned Public Prosecutor does not seriously oppose the application for anticipatory bail, but insists that appropriate conditions may be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, this application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 27.06.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 28.06.2007 and thereafter between 10 a.m and 12 noon on all Mondays for a period of one month. Thereafter they shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 27.06.07 as directed in clause (1) above, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 27.06.07.

(R.BASANT, JUDGE)

rtr/-